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C O N F I D E N T I A L STATE 192469 TOSEC 080358

FOLLOWING REPEAT USUN 2583 ACTION SECSTATE INFO BONN CARACAS
DAR ES SALAAM LAGOS LONDON LUSAKA MAPUTO OTTAWA PARIS PRETORIA
CAPE TOWN AUGUST 12.

QUOTE C O N F I D E N T I A L USUN 2583

CARACAS FOR AMBASSADOR YOUNG
DEPARTMENT PLEASE PASS TO SECRETARY VANCE

AMEMBASSY LONDON PLEASE PASS TO AMBASSADOR MCHENRY

E.O. 11652: GDS

TAGS: PORG, US, UN, SF, WA

SUBJECT: NAMIBIA: WESTERN FIVE ASSESSMENT OF SWAPO TALKS

REF: USUN 2570

FOLLOWING IS WESTERN FIVE JOINT ASSESSMENT OF AUGUST 8-11
SWAPO TALKS. AUGUST 12, 1977

ASSESSMENT

THE TALKS WHICH WERE HELD IN NEW YORK CITY, AUGUST 8-11,
CONFIDENTIAL

PAGE 02 STATE 192469 TOSEC 080358

1977, BETWEEN THE FIVE AND SWAPO, WERE CONDUCTED, EXCEPTING
SOME INITIAL RHETORIC BY SWAPO, IN A BUSINESS-LIKE AND CORDIAL
MANNER. THE WHOLE NAMIBIAN SITUATION WAS REVIEWED IN
DETAIL AND SWAPO WERE LED, SEEMINGLY FOR THE FIRST TIME,
TO DISCUSS SERIOUSLY POSSIBLE PRACTICAL SOLUTIONS WHICH WERE IN
BETWEEN THE POSITIONS HELD BY THE U.N. ON THE ONE HAND AND
SOUTH AFRICA ON THE OTHER.

2. ON THE FIRST DAY OF THE MEETING THE FIVE GAVE A THOROUGH
PRESENTATION OF THEIR BASIC APPROACH TO THE PROBLEM, OF THE
PROGRESS ACCOMPLISHED UNTIL THEN WITH SOUTH AFRICA AND OF A

POSSIBLE PLAN FOR U.N. INVOLVEMENT. THIS WAS FOLLOWED BY A MORE GENERAL PRESENTATION BY SWAPO WHO TOOK THE VIEW THAT ABOVE ALL SOUTH AFRICAN MILITARY FORCES HAD TO BE COMPLETELY WITHDRAWN AND THAT THE U.N. SHOULD TAKE OVER THE ADMINISTRATION OF THE TERRITORY. WHILE SOME OF THE PRINCIPLES ADVANCED BY SWAPO DID NOT CAUSE DIFFICULTY (TERRITORIAL INTEGRITY OF NAMIBIA, FREE ELECTIONS, UNIMPEDED PROGRESS TO GENUINE INDEPENDENCE, RESPECT AND PRESERVATION OF PUBLIC PROPERTY, RESPECT FOR THE SOVEREIGNTY OF INDEPENDENT NAMIBIA), IT WAS CLEAR THAT THE MAIN OBSTACLES RELATED TO SOUTH AFRICAN FORCES AND THE TRANSITIONAL ADMINISTRATION. THE TALKS, THEREFORE, CONCENTRATED ON THESE TWO ISSUES, AND SECONDARILY ON THE QUESTION OF POLITICAL PRISONERS.

I. MILITARY ASPECTS OF THE SETTLEMENT: WITHDRAWAL

3. OUR MAIN ACHIEVEMENT IN THIS AREA WAS TO SECURE SWAPO'S ACCEPTANCE IN PRINCIPLE TO A CEASEFIRE AND TO THE CONFINEMENT TO BASE OF THEIR FORCES. WE FAILED, HOWEVER, TO PERSUADE SWAPO TO ABANDON THEIR INSISTENCE UPON THE WITHDRAWAL OF ALL SOUTH AFRICAN FORCES BEFORE THE BEGINNING OF THE ELECTION CAMPAIGN IN NAMIBIA. NEVERTHELESS, WE HAVE PREPARED THE GROUND FOR FUTURE DISCUSSION ON THE MILITARY ASPECTS OF THE ROLE OF THE U.N. AND FOR A MORE REALISTIC PHASED WITHDRAWAL OF SOUTH AFRICAN MILITARY FORCES.

CONFIDENTIAL

PAGE 03 STATE 192469 TOSEC 080358

4. THE CEASEFIRE REMAINS UNDEFINED. SWAPO ACCEPTED THE PRINCIPLE OF MONITORING OF THEIR FORCES WITHIN NAMIBIA. HOWEVER, SWAPO'S "BASES" ARE AT PRESENT IN ANBOLA OR ZAMBIA, AND IT IS QUESTIONABLE WHETHER SWAPO WOULD HAVE ACCEPTED THE MONITORING OF THEIR FORCES AND BASE CAMPS IN THESE COUNTRIES. THEIR ACCEPTANCE IN PRINCIPLE OF A CEASEFIRE SHOULD HELP US IN OUR NEXT ROUND OF NEGOTIATIONS WITH THE SOUTH AFRICANS; BUT FURTHER DETAILED DISCUSSIONS ON THE CONDITIONS OF THE CEASEFIRE WILL BE NECESSARY.

5. SWAPO WANTED A U.N. "PEACEKEEPING FORCE" THEY SPOKE OF A FORCE OF 5,000, BUT THERE ARE INDICATIONS THAT THEY MAY SETTLE FOR LESS. WE SUGGESTED THAT THE U.N.'S CHIEF RESPONSIBILITY IN THIS FIELD WAS TO SUPERVISE A CEASEFIRE, AND THIS COULD EQUALLY WELL BE EFFECTED BY CIVILIAN OR MILITARY OBSERVERS UNDER THE SPECIAL REPRESENTATIVES' DIRECTION. ONE POSSIBLE WAY TO BRIDGE THIS GAP IS THAT MILITARY OBSERVERS COULD IN FACT BE ORGANIZED AS A GROUP ATTACHED TO THE SPECIAL REPRESENTATIVE, AND COULD THUS BE PORTRAYED AS A U.N. PEACEKEEPING FORCE ON THE FAMILIAR PATTERN.

6. ON THE CRUCIAL QUESTION OF THE RATE OF WITHDRAWAL OF SOUTH AFRICAN FORCES, SWAPO DISPLAYED AN INFLEXIBILITY WHICH MAY HAVE STEMMED FROM THE INSTRUCTIONS AGREED UPON BY THEIR EXECUTIVE COMMITTEE IN LUSAKA PRIOR TO THE NEW YORK TALKS. THEY INSISTED THAT ALL SOUTH AFRICAN TROOPS SHOULD BE WITHDRAWN PRIOR TO THE OPENING OF THE ELECTION CAMPAIGN, AND THEIR SOLE CONCESSION WAS TO AGREE THAT WITHDRAWAL MIGHT TAKE SOMEWHAT LONGER THAN 3 MONTHS TO COMPLETE.

7. WE CONTINUED TO STATE OUR VIEW THAT A NEGOTIATED SETTLEMENT WOULD REQUIRE A PLAN OF PHASED SOUTH AFRICAN WITHDRAWAL OVER THE WHOLE TRANSITIONAL PERIOD PRIOR TO INDEPENDENCE. IN ORDER TO PROBE SWAPO'S POSITION, WE SOUGHT THEIR VIEWS UPON THE PRESENCE IN NAMIBIA OF A LIMITED BY CONFINED AND MONITORED SOUTH AFRICAN FORCES UNTIL A RELATIVELY LATE STATE IN THE TRANSITIONAL PERIOD. ALTHOUGH SWAPO'S FORMAL REACTION WAS NEGATIVE, WE WOULD HOPE THAT THEY MIGHT BE ABLE TO ACCEPT THE PROPOSITION THAT A LIMITED SOUTH AFRICAN
CONFIDENTIAL

PAGE 04 STATE 192469 TOSEC 080358

FORCE MIGHT REMAIN FOR SOME AT LEAST OF THE TRANSITIONAL PERIOD.

8. IT WILL BE HARD TO RECONCILE SWAPO'S AND SOUTH AFRICA'S VIEWS UPON THE RATE OF WITHDRAWAL OF SOUTH AFRICAN FORCES. BOTH SWAPO'S PROPOSALS AND SOUTH AFRICA'S KNOWN VIEWS ARE UN-REALISTIC IN THIS RESPECT. IN FURTHER EXPLORATION OF SWAPO'S POSITION, WE MUST CONTINUE TO AVOID CONCEDING THE PROPOSITION THAT MOST, IF NOT ALL, SOUTH AFRICAN FORCES SHOULD LEAVE NAMIBIA SOME MONTHS BEFORE THE ELECTION.

9. THERE REMAINS THE PROBLEM OF WHO CAN BE RELIED UPON TO MAINTAIN LAW AND ORDER IMPARTIALLY DURING THE ELECTORAL PROCESS IF SOUTH AFRICAN FORCES ARE WITHDRAWN OR NEUTRALIZED AND IF THE U.N. MILITARY PRESENCE IS RELATIVELY SMALL AND CONFINED TO AN OBSERVER THARHTER THAN AN OPERATIONAL ROLE. THE CONTINUING BUILD-UP FO TRIBAL FORCES, TO WHICH SWAPO STRONGLY OBJECTED, FURTHER COMPLICATES THIS PROBLEM. RESPONSIBILITY FOR POLICE DUTIRES COULD WELL BE CRUCIAL QUESTION AT NEXT ROUND OF TALKS WITH SWAPO. THEY ADVOCATED THE DISARMING FLA ALL QUASI-MILITARY POLICE FORCES.

II. NON-MILITARY ASPECTS OF U.N. PRESENCE

10. SWAPO INITIALLY TOOK THE POSITION THAT WHILE THEY DID NO OBJECT TO THE PRESENCE OF SOME SOUTH AFRICAN PERSONNEL IN THE TRANSITIONAL ADMINISTRATION OF NAMIBIA, THE U.N. HAD TO BE IN A DOMINANT POSITION. THE FIVE REPLIAED THAT SWAPO'S POSITION MERELY REAFFIRMED THE U.N. JURIDICAL VIEW OF THE PROBLEM. THE EXPLAINED THAT THE EXPRESSION " THE ADMINISTRATOR-GENERAL WOULD HAVE TO SATISFY THE U.N. SPECIAL REPRESENTATIVE AT ALL STATES" HAD BEEN USED PRECISELY IN ORDER TO PREVENT A SIMILARLY FRUITLESS RE-AFFIRMATION OF THE OPPOSITE JURIDICAL VIEW. AFTER SOME FURTHER CONSIDERATION OF THE PRACTICALITIES OF THE SITUATION, SWAPO SAID THAT THE IMPORTANT THING WAS FOR THE U.N. SPECIAL REPRESENTATIVE TO HAVE A RIGHT OF VETO WITH RESPECT TO DECISIONS OF THE ADMINISTRATOR-
CONFIDENTIAL

PAGE 05 STATE 192469 TOSEC 080358

GENERAL.

AFTER WE HAD EXPLAINED THAT A RIGHT TO VETO WAS BOUND TO CAUSE DIFFICULTY, SWAPO INDICATED THAT THEY COULD ACCEPT

THE EXPRESSION "APPROVAL"; I.E.,THE U.N. SPECIAL REPRESENTATIVE WOULD HAVE TO HAVE THE POWER TO APPROVE THE ACTIONS OF THE TRANSITIONAL ADMINISTRATION, IT BEING UNDERSTOOD THAT THIS AMOUNTED TO AN EFFECTIVE RIGHT OF VETO. SWAPO UNDERSTOOD THAT "APPROVAL" WOULD BE THEIR EXPRESSION AND THAT THE FIVE WOULD CONTINUE TO USE "TO BE SATISFIED WITH" .

11. GIVEN THIS EFFECTIVE VETO POWER, SWAPO INDICATED THAT THEY WOULD NOT OPPOSE THE APPOINTMENT OF AN ADMINISTRATOR-GENERAL BY SOUTH AFRICA.

THE ALSO AGREED THAT

A) A U.N. PRESENCE MUST BE INSTALLED IN THE TERRITORY FROM THE OUTSET OF THE TRANSITIONAL PERIOD AND MUST BE EFFECTIVELY REPRESENTED IN ALL PARTS OF THE TERRITORY.

B) A U.N. PRESENCE MUST INVOLVE SUBSTANTIAL NUMBERS OF INTERNATIONAL CIVIL SERVANTS. THE EXACT NUMBER OF CIVILIANS REQUIRED WOULD HAVE TO BE DETERMINED BY OPERATIONAL REQUIREMENTS.

C) A PRIMARY TASKS OF THE SPECIAL REPRESENTATIVE WOULD BE TO ENSURE THE CREATION OF CONDITIONS NECESSARY TO HOLD FREE ELECTIONS, INCLUDING FREEDOMS OF PRESS, ASSEMBLY AND MOVEMENT AND MEASURES TO GUARANTEE SOUTH AFRICAN NON-INTERFERENCE IN THE POLITICAL PROCESS, PRIOR TO ANY ELECTIONS.

12M THERE WAS, HOWEVER, ONE ASPECT WHICH APPARENTLY GAVE SOME DIFFICULTY TO SWAPO. THE FIVE SUGGESTED, AS HAD BEEN DONE BEFORE WITH SOUTH AFRICA, THAT THE U.N. SPECIAL REPRESENTATIVE'S RIGHT OF APPROVAL WOULD BE LIMITED TO THOSE ACTIONS OF THE ADMINISTRATION WHICH RELATED TO THE POLITICAL PROCESS, SINCE CERTAIN ADMINISTRATIVE FUNCTIONS (E.G. SANITATION, OR ELECTRICITY) WOULD BE OF NO DIRECT INTEREST TO THE U.N. SWAPO, WHO HAD EVIDENTLY NOT CONSIDERED THE QUESTION, WOULD ONLY AGREE TO THE CONFIDENTIAL

PAGE 06 STATE 192469 TOSEC 080358

QUALIFIER "INsofar AS THE TRANSITIONAL PROCESS IS CONCERNED", A NOT VERY PRECISE WORDING.

III. DETAINEES AND POLITICAL PRISONERS

13. SWAPO EXPRESSED THEIR DESIRE TO SEE ALL NAMIBIAN DETAINEES AND POLITICAL PRISONERS HELD BY SOUTH AFRICA RELEASED AS EARLY AS POSSIBLE. THE FIVE CLEARLY REITERATED THEIR VIEW THAT THE SAME PRINCIPLE APPLIED TO ALL NAMIBIANS "WHEREEVER HELD". NOT SURPRISINGLY, SWAPO DID NOT ALLUDE TO DETAINED NAMIBIANS IN ZAMBIA AND TANZANIA.

14. THE DISCUSSION FOCUSED ON THE FIVE'S SUGGESTION THAT A PANEL OF JURISTS BE ESTABLISHED TO SETTLE DISPUTES AS TO WHO WAS A POLITICAL PRISONER. SWAPO OBJECTED TO SUCH A BODY, AS THEY BASICALLY DISTRUST INDEPENDENT JUDICIAL INSTITUTIONS AND CONSIDER THE ISSUE A POLITICAL ONE REQUIRING POLITICAL HANDLING. THEY ALSO FAILED TO UNDERSTAND THE REASONS FOR THE PARTICIPATION IN SUCH A PANEL OF TWO SOUTH AFRICAN JURISTS, OTHER THAN AS A DEVICE TO PLACATE THE SOUTH AFRICANS, THE VERY PERSONS RESPONSIBLE FOR THE

FATE METED OUT TO THEIR FELOOW NAMIBIANS. SWAPO COUNTERED WITH THE SUGGESTION THAT A "LEGAL SECTION" DIRECTLY RESPONSIBLE TO THE U.N. SPECIAL REPRESENTATIVE, I.E., ON HIS STAFF, SHOULD BE GIVEN THE SAME RESPONSIBILITIES AS THE PROPOSED PANEL. IT WAS NOT ALTOGETHER CLEAR IN WHAT CIRCUMSTANCES SOUTH AFRICAN JURISTS COULD BE INVOLVED. THE FIVE DID NOT PUSH FOR A CLEAR ANSWER AT THIS STAGE. SWAPO DID SAY, HOWEVER,

THAT THE PRESENCE OF SOUTH AFRICAN JURISTS IN AN INSTI-TUTIONAL ROLE WOULD LEAD TO THE DEMAND FOR A COUNTER-BALANCING SWAPO PRESENCE. THE FIVE AGREED TO GIVE FUTHER CONSIDERATION TO THIS ISSUE.

15. IT WAS ALSO AGREED THAT THERE SHOULD BE INFORMAL EXCHANGE OF INFORMATION REGARDING THE NUMBERS AND NAMES OF DETAINEES AND POLITICAL PRISONERS HELD IN SOUTH AFRICA AND NAMIBIA. SWAPO CONFIDENTIAL

PAGE 07 STATE 192469 TOSEC 080358

WERE TOLD THAT THE FIVE HAD RECEIVED A LIST FROM THE SOUTH AFRICAN GOVERNMENT AND THAT IT WOULD BE HELPFUL TO DETERMINE HOW COMPLETE AND ACCURATE THAT LIST WAS. FOR WHATEVER REASONS, SWAPO DID NOT ASK TO SEE THE LIST.

IV. OTHER MATTERS

16. THE FIVE EXPLAINED TO SWAPO THAT IT WOULD BE VERY DIFFI-CULT IF NOT ALTOGETHER IMPOSSIBLE, TO MOVE AHEAD, PARTICULARLY IN FORMULATING A MANDATE FOR THE SECURITY COUNCIL, UNLESS THE U.N. SECRETARIAT WERE PREPARED TO UNDERTAKE SOME CONTINGENCY PLANNING. SWAPO' S ACQUIESCENCE IN THE U.N. SECRETARY GENERAL TAKING SUCH STEPS IMMEDIATELY WAS ESSENTIAL. SWAPO INDICATED THAT IT HAD NO PROBLEM WITH THE SECRETARIAT COMMENCING SUCH PLANING IN CONNECTION WITH THE IMPLEMENTATION OF RESOLUTION 385, BEARING IN MIND, OF COURSE, THAT NO FORMAL ACTION COULD BE TAKEN IN ADVANCE OF SECURITY COUNCIL APPROVAL.

17. SWAPO REPEATEDLY EXPRESSED THEIR CONCERN ABOUT OPEN SUPPORT BEING GIVEN TO THE TURNHALLE GROUP BY THE SOUTH AFRICAN GOVERNMENT OVER RECENT WEEKS. THE FIVE AGREED THAT SUCH A DISCRIMINATORY AND PARTIAL ATTITUDE ON THE PART OF THE SOUTH AFRICAN GOVERNMENT WAS CONTRARY TO THE SPIRIT OF THE CAPE TOWN TALKS AND REPORTED THAT THE SOUTH AFRICAN GOVER-NMENT WAS BEING TOLD SO BY THE FIVE. HOWEVER, THE FIVE POINTED OUT THAT IMPARTIALITY COULD NOT BE GUARANTEED UNTIL THE U.N. WAS PRESENT IN NAMIBIA AND THAT THIS UNDERLINED THE NEED FOR EARLY MOVEMENT.

18. WALVIS BAY WAS NOT MENTIONED BY EITHER SIDE.

V. CONCLUSION

19. FOR A FIRST THOROUGH EXCHANGE OF VIEWS, THESE TALKS CAN BE SAID TO HAVE BEEN USEFUL AND TO A POINT SUCCESSFUL; WE HAVE BROKEN THE ICE. SWAPO CANNOT BE SAID TO HAVE ABANDONED THEIR RIGID, SIMPLISTIC, U.N. TAKE-ALL APPROACH BUT THEY NOW SEEM TO BE PREPARED TO CONSIDER PRACITCAL SOLUTIONS. THE MOST SERIOUS DIFFICULTY THAT REMAINS RELATES TO WITHDRAWAL OF SOUTH AFRICAN MILITARY FORCES. SWAPO HOWEVER HAVE AGREED

TO THE IDEA OF A CEASEFIRE AND HAVE BEEN DRAWAN INTO A DISCUSSION
CONFIDENTIAL

PAGE 08 STATE 192469 TOSEC 080358

OF PHASED WITHDREAWLS . WE SUSPECT THAT THEIR RIGIDITY ON
CERTAIN POINTS MAY NOT BE AS COMPLETE AS THEY HAVE INDICATED
DURING THESE TALKS AND THAT THEY MAY BE PREPARED TO MAKE
FURTHER CONCESSIONS IN THE FUTUTE, PROVIDED SOUTH AFRICA SHOWS
ENOUGHT FLEXIBILITY. IT IS ALSO IMPORTANT THAT PRESSURE BE
BROUGHT TO BEAR UPON SWAPO PARTICULARLY BY THE MORE REALISTIC
AFRICANS.

20. A GREAT DANGER LINES IN THE FACT THAT WE HAVE NO CONTROL
OVER SWAPO'S PRESENTATION OF THE REULTS OF THE TALKS
TO OTHER INTERESTED PARTIE. DISTORTION OF THE FACTS OR
EXAGGERATION OF THE ISSUES COULD PROVOKE
NEGATIVE REACTIONS FROM SOUTH AFRICA AND MAKE THE ENTIRE
NEGOTIATING PROCESS MUCH MORE DIFFICULT.
LEONARD UNQUOTE CHRISTOPHER

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